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BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

OPEN MEETING ITEM



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ARIZONA CORPORATION COMMISSION

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DATE: JANUARY 21, 2014

DOCKET NO.: WS-01678A-07-0116

TO ALL PARTIES:

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Enclosed please find the recommendation of Administrative Law Judge Jane L. Rodda. The recommendation has been filed in the form of an Order on:

BACA FLOAT WATER CO., INC.
(EXTENSION OF TIME DEADLINE CONTAINED
IN DECISION NOS. 69949, 71437 AND 72677)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

JANUARY 30, 2014

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

FEBRUARY 6, 2014 and FEBRUARY 7, 2014

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

JAN 21 2014

DOCKETED BY	
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JODI JERICH
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347
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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 BOB STUMP - Chairman
4 GARY PIERCE
5 BRENDA BURNS
6 BOB BURNS
7 SUSAN BITTER SMITH

8 IN THE MATTER OF THE APPLICATION OF
9 BACA FLOAT WATER COMPANY FOR AN
10 EXTENSION OF ITS CERTIFICATE OF
11 CONVENIENCE AND NECESSITY.

DOCKET NO. WS-01678A-07-0116

DECISION NO. _____

ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NOS. 69949, 71437 AND
72677

12 Open Meeting
13 February 6 and 7, 2014
14 Phoenix, Arizona

15 **BY THE COMMISSION:**

16 * * * * *

17 Having considered the entire record herein and being fully advised in the premises, the
18 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

19 **FINDINGS OF FACT**

20 1. In Decision No. 69949 (October 30, 2007), the Commission approved the application
21 of Baca Float Water Company ("Baca Float" or "Company") to extend its existing Certificate of
22 Convenience and Necessity for water service.

23 2. As part of Decision No. 69949, the Commission ordered Baca Float to file a copy of
24 the Arizona Department of Environmental Quality Approval to Construct ("ATC") for the facilities
25 needed to serve the first phase of development in the requested area by October 30, 2009 (two years
26 after the effective date of the Decision).

27 3. On September 3, 2009, Baca Float filed a request for a two year extension of time,
28 until October 30, 2011, to file the required ATC. In Decision No. 71437 (December 23, 2009), the

1 Commission extended the deadline to file the ATC until October 30, 2011.

4. On September 16, 2011, Baca Float filed a second request for extension of time, seeking to extend the deadline to file the required ATC until September 30, 2013. The request was based on the fact that the developer, Presidio de Tubac Development, Inc., had further delayed plans to construct “due to the economic situation throughout the nation and continued slowing of the real estate market.” The Commission granted the requested extension in Decision No. 72677 (November 17, 2011).

8 5. On September 30, 2013, Baca Float filed another Request for Extension of Time to
9 File Compliance Item. The Company states that as a water company in Santa Cruz County, it
10 continues to deal with a weak real estate market. The Company reports that the developers have
11 discussed the issue with the various governmental agencies that would be involved in approving the
12 water system and feel confident that the process should be in place by April 2015 and the ATC could
13 be filed shortly thereafter. Baca Float requests an extension of the compliance deadline to file the
14 ATC for the first phase of the Presidio de Tubac until September 30, 2015.

6. On January 13, 2014, the Commission Utilities Division ("Staff") filed a Memorandum in response to Baca Float's request. Staff does not object to Baca Float's request for a further extension of time to provide the ATC on the facilities needed to serve the first phase of the development area outlined in Decision No. 69949. Staff recommends that the due date for the filing of the ATC be extended until September 30, 2015, and that no further extensions of time be granted.

7. Baca Float's request is supported by the developer's request for additional time. Current ratepayers should not be adversely affected by an additional extension. Consequently, we adopt Staff's recommendation and find good cause to extend the deadline originally established in Decision No. 69949 until September 30, 2015.

24 **CONCLUSIONS OF LAW**

25 1. Baca Float is a public service corporation within the meaning of Article XV of the
26 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

27 2. The Commission has jurisdiction over Baca Float and the subject matter of the
28 request.

3. The requested extension of time is reasonable and should be approved.

ORDER

IT IS THEREFORE ORDERED that the deadline for Baca Float Water Company to file an Approval to Construct for the facilities needed to serve the first phase of development of the extension area as set forth in Decision No. 69949, shall be extended until September 30, 2015.

IT IS FURTHER ORDERED that all other provisions of Decision No. 69949 shall remain in effect.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____ 2014.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: BACA FLOAT WATER CO. INC.

2 DOCKET NO.: WS-01678A-07-0116

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